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SUBJECT: ZANZIBAR TREASON TRIAL: THE PROSECUTION SUMMARY

1. SUMMARY: ZANZIBAR ATTORNEY GENERAL DOURADO FEBRUARY 13 PRESENTED TO ZANZIBAR SPECIAL TRIBUNAL PROSECUTION SUMMARY OF EVIDENCE CONCERNING ACCUSED IN TREASON TRIAL. ON MATTERS OF PROCEDURE, DOURADO CHARGED COURT TO PROVE GUILT OF DEFENDANTS BEYOND SHADOW OF DOUBT AND DEFENDED THE ZANZIBAR LEGAL/JUDICIAL SYSTEM AGAINST VARIOUS CRITICISMS THAT HAVE BEEN LEVELED AGAINST IT, WHILE AT SAME TIME ADMITTING THAT SOME TESTIMONY WHICH HAD BEEN ENTERED IN EVIDENCE, ADMISSIBLE UNDER ZANZIBAR SYSTEM, HAD IN PART BEEN OBTAINED BY "ARM-TWISTING" AND WOULD NOT BE ALLOWED IN EVIDENCE ELSEWHERE. SUBSTANTIVELY, PROSECUTION CONCLUDED THAT THERE WAS IN FACT DETAILED PLOT TO OVERTHROW THE ASP GOVERNMENT, SOUGHT TO DEMONSTRATE THAT BABU WAS "GUIDING FORCE" BEHIND PLOT, AND OUTLINED EVIDENCE OR LACK OF SAME BEARING UPON EACH OF WITNESSES. COURT ACCEPTED PROSECUTION STATEMENT AND RECESSED TO CONSIDER EVIDENCE FOR INDEFINITE PERIOD. END SUMMARY.

2. DOURADO BEGAN PRESENTATION BY AFFIRMING THAT BURDEN OF PROOF LIES ENTIRELY UPON PROSECUTION, THAT PROOF NEEDED TO
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CONVICT MUST GO BEYOND "BALANCE OF PROBABILITIES OR PREPONDERANCE OF PROBABILITIES" TO PROOF "WITHOUT SHADOW OF DOUBT", AND

STRESSED THAT WEAKNESS AND CONTRADICTIONS IN DEFENSE TESTIMONY MUST NOT BE TAKEN AS EVIDENCE OF GUILT EXCEPT IN CONNECTION WITH OTHER RELEVANT TESTIMONY. HE ALSO OUTLINED IMPORTANT DISTINCTION BETWEEN TREASON AND MISPRISION, WITH SUGGESTION IMPLICIT THAT MANY OF ACCUSED WHO KNEW OF BUT NEITHER CONSENTED TO NOR INFORMED AUTHORITIES ABOUT TREASON PLOT MIGHT BE CONVICTED OF LATTER, WHICH CARRIES MAXIMUM SENTENCE OF LIFE IMPRISONMENT.

3. DOURADO SOUGHT TO DEFEND ZANZIBAR LEGAL SYSTEM AND TO MEET VARIOUS CHARGES WHICH HAVE BEEN LEVELED AGAINST IT: ABSENCE OF QUALIFIED JUDGES, LACK OF DEFENSE COUNSEL, DOMINANT ROLE PLAYED BY PROSECUTION, CONTRADICTORY AND CONFUSING NATURE OF TESTIMONY BY INTIMIDATED WITNESSES, AND HEAVY RELIANCE OF PROSECUTION CASE ON EVIDENCE GIVEN BY NINE OF ACCUSED WHO PREVIOUSLY PLEADED GUILTY, MUCH OF WHICH WAS SUBSEQUENTLY RETRACTED OR MODIFIED. DOURADO'S REJOINDER TO THESE CHARGES WAS EFFECTIVELY PRESENTED, AND REINFORCED BY HIS INSISTENCE ON CONCLUSIVE PROOF; NEVERTHELESS HE WAS UNABLE TO SIDESTEP OBVIOUS PROCEDURAL SHORTCOMINGS OF ZANZIBAR LEGAL SYSTEM. SPEAKING TO FACT THAT INITIAL ADMISSIONS OF GUILT WERE LATER RETRACTED BY WITNESSES, WHO CLAIMED THAT THEY HAD BEEN EXTRACTED INVOLUNTARILY, DOURADO CONCEDED THAT "BECAUSE OF CONDITIONS IN WHICH THESE STATEMENTS WERE TAKEN THEY WERE FORCED TO ADMIT GUILT AND CONCOCT LIES AND IN OTHER CASES INVESTIGATING OFFICERS ADDED TO THEIR STATEMENTS IN ORDER TO STRENGTHEN THE CASE AGAINST THEM", AVERRED THAT SUCH STATEMENTS, INADMISSIBLE ELSEWHERE, WERE ADMISSIBLE UNDER ZANZIBAR LAW, AND CONCEDED THAT "SOME FORM OF ARM-TWISTING WAS ADOPTED IN ORDER TO OBTAIN THESE STATEMENTS." THIS ADMISSION DOES NOT APPEAR EFFECTIVELY OFFSET BY DOURADO'S INSISTENCE THAT THE COURT NOT ATTACH UNDUE WEIGHT TO SUCH EVIDENCE, NOR BY HIS CLAIM THAT OTHER SYSTEMS USE SIMILAR METHODS LESS OPENLY; MOREOVER IT LENDS SUBSTANCE TO EARLIER UNCONFIRMED REPORTS THAT SOME WITNESSES WERE TORTURED.

4. MOVING TO SUBSTANCE, PROSECUTION LAID DOWN BASIS FOR CASE THAT THERE WAS INDEED A PLOT DESIGNED TO OVERTHROW KARUME'S ASP GOVERNMENT AND ESTABLISH A NEW REGIME WITH BABU AS ITS HEAD. EVIDENCE PRESENTED INDICATES THAT VARIOUS OF ACCUSED WERE ASSIGNED SPECIFIC RESPONSIBILITIES ON DAY OF KARUME ASSASSINATION IN WHAT LIMITED OFFICIAL USE
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WOULD APPEAR TO HAVE BEEN COORDINATED EFFORT. PROSECUTION SPENT LESS TIME ON THIS ASPECT, HOWEVER, THAN UPON ANALYSIS OF BABU'S HISTORY AND PERSONALITY, PORTRAYING HIM AS MORE OPPORTUNIST THAN IDEOLOGIST WHO "ALWAYS HAD THE INTENTION OF TAKING THE REINS OF GOVERNMENT POWER IN HIS HANDS," AND WHO WAS GUIDING FORCE BEHIND APRIL 1972 PLOT. PROSECUTION PAINTED PICTURE OF BABU AS MAN WHO, WHILE PAYING LIP SERVICE TO "SCIENTIFIC SOCIALISM", HAS BEEN "POLITICAL GRASSHOPPER, FLITTING FROM PLACE TO PLACE ACCORDING TO WHAT POSITION WOULD BEST FURTHER HIS PERSONAL ENDS." WHILE DISMISSING, PROBABLY UNDULY, BABU'S

IDEOLOGICAL COMMITMENT, DOURADO'S STATEMENT NONETHELESS MENTIONED HIS CHINESE COMMUNIST CONNECTIONS.

5. BALANCE OF LENGTHY STATEMENT CONSISTED OF SUMMARIES OF EVIDENCE BEARING UPON GUILT OR INNOCENCE OF EACH OF 47 ACCUSED IN ZANZIBAR AND 18 ON MAINLAND. THESE APPEAR TO REPRESENT FAIR IF SOMETIMES INCOMPLETE ATTEMPTS AT WEIGHING VALUE OF EVIDENCE AND IN SOME CASES PROSECUTION CLEARLY STATED ITS VIEW THAT EVIDENCE PROVIDED INSUFFICIENT BASIS FOR REACHING GUILTY VERDICT. OF ZANZIBAR 47, (NOT INCLUDING 9 WHO HAVE CONFESSED, SIX EFFECTIVELY ACQUITTED, AND ONE WHO DIED IN PRISON) STRONG CASES FOR TREASON APPEAR TO HAVE BEEN BUILT AGAINST SOMEWHAT LESS THAN HALF, WITH MOST OF REMAINDER APPARENTLY LIABLE TO SENTENCE FOR MISPRISION OR LESSER OFFENSES. OF THOSE 18 ON MAINLAND, INCLUDING BABU AND SOME OF HIS ALLEGEDLY KEY SUPPORTERS, 8 TO 12 APPEAR LIKELY TO BE JUDGED GUILTY OF TREASON ASSUMING FINAL JUDGEMENT CORRESPONDS WITH PROSECUTION FINDINGS.

6. UPON COMPLETION OF DOURADO'S FIVE-HOUR PRESENTATION, RERUNS OF WHICH ARE THIS WEEK'S TELEVISION FARE, COURT ACCEPTED PROSECUTION STATEMENT AND ADJOURNED SINE DIE TO CONSIDER IT TOGETHER WITH OTHER EVIDENCE. GIVEN PROTRACTED NATURE OF PROCEEDINGS THUS FAR ANOTHER SUBSTANTIAL DELAY IS PROBABLY IN PROSPECT BEFORE SENTENCING. STRONG PROSECUTION CASE AGAINST BABU AND OTHERS NOW HELD ON MAINLAND FURTHER INCREASES PROBABILITY OF DEATH PENALTIES AND THUS OF EVENTUAL ACRIMONIOUS DISPUTE BETWEEN ZANZIBAR AND MAINLAND AUTHORITIES OVER FATE OF ACCUSED.

7. FULL TEXT OF PROSECUTION STATEMENT BEING POUCHED TO ACTION ADDRESSEES.
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